

Message Text

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41

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DRAFTED BY EUR;SOV;LWILLEMS:REH

APPROVED BY SC - RTHENNEMEYER

EUR -JAARMITAGE

L/M - SWHILDEN

A/SY - EHICKEY

H - EKRIZEK

C -JMONTGOMERY

S/S - MR. SEBASTIAN

L/M - MR. MALMBORG

----- 089022

P R 011945Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW PRIORITY

INFO AMEMBASSY BONN

AMCONSUL LENINGRAD

AMEMBASSY TEL AVIV

AMEMBASSY WARSAW

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E.O. 11652;N/A

TAGS: PFOR, CGEN, CFED, UR, US (KAMINSKAS, BRONIUS)

SUBJECT: POSSIBLE REQUEST FOR SOVIET WITNESSES IN US
DEPORTATION CASE

REF. A. MOSCOW 16435, B. MOSCOW 14229

1. IN A LETTER DATED NOV 24 INS HAS INFORMED DEPARTMENT
THAT INS MAY RPT MAY REQUEST THAT SEVEN OF THE WITNESSES
WHOSE STATEMENTS WERE PROVIDED BY MFA COME TO US, AT INS
EXPENSE, TO TESTIFY IN BRONIUS KAMINSKAS DEPORTATION
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PROCEEDINGS. WHILE WE COULD AT THIS STAGE INFORM MFA OF

THE NOV 24 INS LETTER AND ASK WHETHER IN PRINCIPLE SOVIET WITNESSES MAY COME TO THE US IF ASKED TO DO SO BY INS, OR WE COULD DEFER ANY APPROACH TO MFA UNTIL INS MAKES DEFINITE DECISION TO ASK WITNESSES TO COME, WE BELIEVE IT BEST TO ALERT MFA NOW THAT WE MAY BE MAKING SUCH A REQUEST IN THE FUTURE, BUT NOT ASK MFA TO COMMIT ITSELF WITH REGARD TO ANSWER UNTIL USG FORMALLY MAKES REQUEST.

2. EMBASSY IS THEREFORE REQUESTED TO PRESENT TO MFA AT THIS TIME DIPLOMATIC NOTE ALONG FOLLOWING LINES:

3. QUOTE THE EMBASSY OF THE UNITED STATES OF AMERICA HAS BEEN INSTRUCTED TO REITERATE TO THE MINISTRY OF FOREIGN AFFAIRS, UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED STATES GOVERNMENT'S APPRECIATION FOR THE MATERIAL IN THE CASE OF BRONIUS KAMINSKAS PROVIDED IN THE MINISTRY'S NOTE NO. 54/OSSHA.

4. QUOTE DEPORTATION PROCEEDINGS HAVE BEEN OPENED AGAINST MR. KAMINSKAS, AND ARE SCHEDULED TO COMMENCE ON JANUARY 25, 1977, IN WATERBURY, CONNECTICUT. THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, WHICH IS CONDUCTING THE PROCEEDINGS, HAS INFORMED THE DEPARTMENT OF STATE THAT IT MAY, AT A FUTURE DATE, REQUEST THE PERSONAL APPEARANCE AS PROSECUTION WITNESSES OF SEVEN INDIVIDUALS WHOSE STATEMENTS WERE PROVIDED BY THE MINISTRY WITH ITS NOTE NO. 54/OSSHA. THE PERSONAL APPEARANCES BY THE WITNESSES MAY BE REQUESTED BY THE IMMIGRATION AND NATURALIZATION SERVICE BECAUSE THE DEFENSE MUST HAVE THE OPPORTUNITY OF CROSS-EXAMINING PROSECUTION WITNESSES IN ORDER FOR THEIR STATEMENTS TO BE INTRODUCED AS EVIDENCE. SHOULD THE WITNESSES CONSENT TO COME TO THE UNITED STATES TO TESTIFY AT THE INVITATION OF THE UNITED STATES GOVERNMENT, THEIR TRAVEL AND OTHER EXPENSES WOULD BE BORNE BY THE UNITED STATES GOVERNMENT AS PROVIDED FOR BY UNITED STATES LAW.

5. QUOTE THE WITNESSES WHO THE IMMIGRATION AND NATURALIZATION SERVICE ANTICIPATES MAY BE INVITED TO APPEAR IN THE KAMINSKAS CASE ARE AS FOLLOWS:
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VLADAS SUNGAYL, 7 KESTUCHIS STREET, APARTMENT 37,
KRETINGA, LITHUANIA

ALEKSANDRA RAYLENE, 3 PASHVAYSTES STREET,
RADVILISKIS, LITHUANIA

PRANAS BUDRETSKAS, 5 SHVIESOS STREET,

KELME, LITHUANIA

KAZIZ REGEL'SKIS, 2 ZHEMUTINE STREET,
KRAZHYAY, KELMSKIY RAYON, LITHUANIA

VALERIA RUKENE, 10 MEDZIOKALNIS STREET,
KELME, KRAZIAI, LITHUANIA

ONA DOMIKENE, 31 EZERAS STREET, APARTMENT II
SIAULIAI, LITHUANIA

IONAS LYUBIST, LINKAUCIAI VILLAGE,
KELME, LITHUANIA.

6. QUOTE THE EMBASSY WILL INFORM THE MINISTRY AS SOON

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AS THE IMMIGRATION AND NATURALIZATION SERVICE INFORMS THE
DEPARTMENT OF STATE OF ITS DECISION WHETHER TO REQUEST
THE APPEARANCE OF THE ABOVE WITNESSES. UNQUOTE

7. IN PRESENTING NOTE YOU SHOULD SAY THAT, WHILE THE INS
AND USG HAVE NOT YET REACHED THE DECISION TO MAKE A FORMAL
REQUEST FOR THE WITNESSES' APPEARANCES AT THE KAMINSKAS
PROCEEDINGS, WE WISHED TO GIVE MFA AS MUCH ADVANCE NOTICE
AS POSSIBLE. NO FORMAL SOVIET REPLY TO THIS NOTE IS
NECESSARY, BUT ANY INITIAL MFA REACTION WOULD BE OF
INTEREST.

8. IF QUESTION SHOULD ARISE, AT SOME APPROPRIATE OPPORTUN-
ITY EMBASSY SHOULD MAKE CLEAR TO APPROPRIATE MFA OFFICIAL
THAT, SHOULD THE USG REQUEST THE PERSONAL TESTIMONY OF
SOVIET WITNESSES AND THEY COME TO THE US, THE USG WOULD
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ACCEPT RESPONSIBILITY FOR THEIR PERSONAL SECURITY IN US.
WE WOULD NOT, OF COURSE, BE ABLE TO GUARANTEE THEIR
RETURN TO USSR SHOULD THEY EXPRESS A DESIRE TO REMAIN HERE.

9. EMBASSY SHOULD OF COURSE CONTINUE TO BE CAREFUL NOT
TO GIVE MFA IMPRESSION THAT KAMINSKAS WOULD BE PHYSICALLY
SURRENDERED TO SOVIET CUSTODY IN FORESEEABLE FUTURE EVEN
IF FOUND DEPORTABLE. ROBINSON

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